

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

S2S COMMONS ASSOCIATES, LLC,)
)
)
Plaintiff,)
)
)
v.) Case No. CIV-18-103-C
)
)
FIRST SPECIALTY INSURANCE)
CORPORATION,)
)
)
Defendant.)

ORDER

Although the Plaintiff requested dismissal citing Fed R. Civ. P. 41(a)(2), this Court finds that Plaintiff's motion should be properly construed as a Notice of Dismissal under Fed. R. Civ. P. 41(a)(1).

Fed. R. Civ. P. 41(a)(1) permits a plaintiff to dismiss his case without court order at any time prior to the filing of an answer or motion for summary judgment. Neither has occurred. Accordingly, this Court finds Plaintiff's motion is proper and this action is deemed DISMISSED without prejudice as of the filing of its Motion for Dismissal (Dkt. No. 16). No further action by the Court is warranted or permitted. All pending motions are STRICKEN as moot.

IT IS SO ORDERED this 17th day of May, 2018.


ROBIN J. CAUTHRON
United States District Judge